



TOWN OF MILLVILLE
Planning & Zoning Commission Meeting Minutes
February 10, 2022 @ 7:00 pm

1. **Call Meeting to Order:** P&Z Chairman Pat Plocek called the meeting to order at

7:00 p.m. with the ***Pledge of Allegiance***. **Present:** Chairman Pat Plocek; Secretary Marshall Gevinson; Commissioner Michael Burgo; Commissioner Tim Roe; Commissioner Cathy Scheck; Town Manager Debbie Botchie; Code & Building Official Eric Evans; Administrative Assistant Jennifer Ireland; Town Clerk Wendy Mardini; GMB Representative Andrew Lyons, Jr.

2. **Approval of Meeting Minutes**

A. January 13, 2022, Planning & Zoning Meeting Minutes

Motion by Mr. Gevinson to accept the minutes, seconded by Ms. Scheck. Motion carried unanimously 5-0.

3. **New Business**

A. Review, discuss and possible vote on a recommendation to Town Council a preliminary site plan, prepared by True North Land Surveying and submitted by Kelley Reynolds, for the expansion of the restaurant known as Shaka Shack. The site is located on Tax Map Parcel (TMP) #134-12.00353.00 and is zoned C-1 Commercial.

Synopsis: The proposed site plan shows the expansion of the restaurant with a 41'x48' proposed building, connected to the existing restaurant by a 9'x10' breezeway, and added parking.

The applicant Kelley Reynolds stated she is the owner of Shaka Shack, along with Clay Reynolds, and they need to expand because they have outgrown the building.

The Town Engineer Mr. Lyons stated he had reviewed the plans for the extension of Shaka Shack and that parcel has multiple principle uses. He stated they have the required parking in the gravel area for the and will be installing additional parking that is required for the expansion. He said at they had the DelDOT entrance permit, the Fire Marshal permit, and Soil Conservation approval.

Mr. Gevinson questioned if there was a handicap accessible path to the bathrooms from the expansion. Ms. Reynolds stated there would be new restrooms in that section. Ms. Scheck questioned what material would be in the breezeway. Ms. Reynolds stated concrete. Mr. Burgo asked if there would be additional lighting added in the new area, and if so, what type. Ms. Reynolds stated the added lighting would be the same as the existing lighting connected to the building, such as security lights, no light poles.

Mr. Burgo wanted to know if any additional landscaping would be added to the area in front of the existing building facing Rt. 26. Ms. Reynolds stated the existing trees filled in in the summer and there are plans to add more banana trees and grasses. Mr. Burgo stated it was not shown on the plans. Ms. Reynolds stated she had emailed them. Ms. Botchie stated those would be shown at final. Mr. Lyons confirmed the trees were shown on the elevations, but we be required to be on the plans submitted for final. Mr. Plocek stated they would need to follow up on the landscaping to break up the openness along Rt. 26. Mr. Plocek mentioned a sidewalk, and Ms. Reynolds stated she paid \$5,000.00 toward the DelDOT future funds. Mr. Lyons clarified the fee paid was a "fee in lieu," so instead of putting in a sidewalk Ms. Reynolds paid toward a sidewalk to be put in at a given time. Mr. Roe asked if there was covered seating. Ms. Reynolds stated currently they are takeout, which will continue, and the expansion will allow approximately 24 covered seats for indoor dining.

Mr. Plocek asked if there was a motion to recommend to Town Council an approval of the site plan. Mr. Gevinson made the motion, Ms. Scheck seconded the motion. The motion carried unanimously 50.

- B. Review, discuss and possible vote on a recommendation to Town Council a preliminary subdivision site plan, submitted by Land Tech Land Planning, LLC, on behalf of ASF MBTS, LLC for the proposed Millville by the Sea (MBTS) West Village A-1. The 26.11 acres proposed subdivision consisting of 64 lots is located on TMP# 134-15.00-91.01 and is zoned Master Planned Community (MPC).

Synopsis: On November 18, 2021, this Commission reviewed a concept plan submitted for this proposed subdivision site plan.

Mr. Roe and Ms. Scheck abstained and left the dais.

Mr. Jeff Clark with Land Tech Land Planning presented the site plan for Village A-1. He stated it would be the first MBTS village applied for on the west side of Roxana Rd. A-1 proposes 59 single family lots and five townhomes. Sites are situated in the northeast corner of Roxanna Rd.

and Powell Farm Rd. and represent one of the two major gateways into MBTS on the West Villages' side from Powell Farm Rd. He stated as discussed during the concept plan meeting, this village will house the main West Villages' community recreation facility, and West Village model home court; this being the planning purpose of this village being the first West Village to be constructed. Preliminary plan illustrates a swimming pool, clubhouse, bathhouse facility that abuts to fenced tennis-pickleball courts, a full basketball court, all overlooking a large stormwater pond. He said this amenity complex will become a separate more detailed site plan as a submittal later on for review. The amenity complex is served by two separate parking lots on two interior private village streets with a total of 70 spaces, and those 70 spaces include the handicapped parking as well. The parking will serve both the amenity and also as overflow guest parking for village A-1. He stated at the last hearing one of the commissioners wanted him to elaborate on the standards that establish the swimming pool capacity. He stated the pool (shown by graphics) is a representative of full surface area of just under 5000 square feet, essentially 4800 square feet, a pool deck area of just under 10,000 square feet. The design standards for how many patrons can occupy space like this are divided into deep-water patrons and shallow-water patrons. He stated the deep-water patrons require 25 square feet, accommodating about 200 swimmers and about the same number of folks on the deck area. He said if you look at the size of West Village that's between 15 and 20% of the of the future population of that entire community, which would be a fourth of July event. Mr. Clark addressed the landscape plan which he stated was buffered by an elevated berm along Powell Farm Rd. and had detailed plantings on page 4. He stated the mail kiosk was centrally located at the edge of a pocketpark and the issue of handicap parking had been addressed. The required parking for village A-1 is 192, or three per dwelling, and 192 spaces have been illustrated on this plan. The gross density of village a one is 2.45 years per acre. And the net density is 2.7 units per acre. The open space provided in village a one is 13.5 acres, representing about 53% of the gross site area. He said one more request that was made at the conceptual level of plan review was to give the commission some insight into when these entrances were going to be developed on Powell Farm Rd. He stated since that's not part of the public hearing, he had some exhibits prepared by the traffic engineer to give some insight as to how these entrances are phased and how DelDOT is tying the improvements to the number of building permits issued.

Mr. Lyons stated he had reviewed the plans and they met the MBTS Development Performance Standards, the Town Code, and Comprehensive Plan. His only comment was although the larger 90 feet buffer for the tax ditch was shown, there was a 75 feet self-imposed buffer that must be labeled on the final site plans that are recorded.

Ms. Botchie asked if the developer was seeking a court order to change the buffer to 40 feet from 90 feet for the tax-ditch right of way. Mr. Lyons stated the 75 feet buffer would still apply. Mr. Clark stated there were multiple court orders being processed, but yes, they were seeking that reduction.

Mr. Gevinson asked about a traffic circle. Mr. Clark stated that multiple developers were funding effort. They are all contributing to a sizable fund for that. He was unsure when it was going to be installed. He stated the exhibits he was leaving for the commissioners to review showed the DelDOT future plans.

Mr. Gevinson asked about the items that would be going in the playground area. Mr. Clark stated he would bring in a more detailed amenity plan at a later date. Mr. Lyons asked about a central park area. Mr. Clark said he thought that would be done in A-2. Mr. Lyons clarified there was a larger play area proposed for the central park area.

Mr. Burgo asked who was responsible for maintaining the traffic circle. Mr. Clark stated DelDOT. Mr. Burgo asked about fencing around the play area to protect children from the pond and along street areas. Mr. Clark stated there was fencing for the tennis courts, and that may be extended. Mr. Burgo asked if the ponds would have a fountain. Mr. Lyons stated aeration is required by code. Mr. Burgo asked about landscaping and signs. Mr. Clark stated there would be signs and landscaping.

Mr. Plocek opened the meeting for citizens' comments. There were none so he asked for a motion to recommend the site plan to the Town Council.

Mr. Gevinson made the motion to recommend the site plan to Town Council, Mr. Burgo seconded the motion. The motion carried unanimously 3-0-2 with the abstentions of Mr. Roe and Ms. Scheck.

- C. Review, discuss and possible vote on a revised preliminary subdivision site plan prepared by Davis, Bowen, and Friedel, Inc., on behalf of OA Millville and DHIC, Inc. to construct a 216-unit apartment complex named Tupelo Sands. The 32.75 acres site is located on the northwest side of Roxana Rd. on Tax Map Parcel #134-15.00-93.01 zoned MPC.
Synopsis: *At its November 9, 2021, meeting the Town of Millville Town Council voted unanimously 5-0 to approve a final site plan submitted for the proposed apartment complex known as Tupelo Sands. On January 13, 2022, the Town received an application to revise the plans which included changes to the size and layout of the buildings, the number of buildings, changes to parking, and other site plan changes.*

Mr. Roe and Ms. Scheck abstained and remained off the dais.

Zac Crouch with presented the application. He stated this application was for revisions to a previously approved final site plan. He said the revisions were based on a different product building line which reduces the number of buildings by two. It will incorporate four garages, one being a maintenance garage. He said the remining site will stay the same as before regarding utilities, but there were some changes in fire lanes after conversations with the fire marshal. He stated in the previous application, a reduction in parking was requested, and they were asking for that again. He stated the revised plans have been submitted to other agencies, and DelDOT did not require any changes. He stated the improvements that are shown on the plans will be built to DelDOT standards, included multi-use paths along the roadway, as well as a bus stop that could be connected with a sidewalk to the interior portion of the project itself. Mr. Crouch stated the garages shown on the new plans are included in the request for reduction in parking. He continued stating the plans showed stormwater ponds and multi-use paths around them and through the wetland area. He said the amenities would remain the same.

Mr. Lyons stated this plan was an amendment to an approved plan. The plan was approved by town council on November 11 for a development with 216 units. The parking reduction was granted for 289 spaces, which was 90% of the required spaces. He stated on this plan 33 spaces are shown in the 4 garages that are counted as part of that 398. He said through a couple of conversations today with the planning commission and the town manager, when reviewing the code again, the spaces in the garage do not meet code requirements for parking. Single garage space counts as a “zero” parking space according to code; therefore, the plan was an additional 33 spaces short from the 289 approved. Most of the changes that are outlined in the plan are the locations of the buildings. Some are enlarged and 2 were removed. The street and utilities are essentially the same. He said part of the overflow parking has been moved to between the buildings instead of all in the back. None of the DelDot requirements have changed. He said the only other change was not shown was the dog park was moved and the tot-lot that was on the approved plan by the clubhouse was not shown.

Mr. Gevinson asked why there were no elevators. Mr. Rolls with DHIC (the builder) stated the plans did not include elevators. He said there were sufficient apartments on the first floor to meet the 2% ADA requirement which was approximately 5 units.

Mr. Burgo asked if the garages were only able to be rented by people that rent from the complex. Mr. Rolls stated yes. Mr. Burgo asked about lighting on the boardwalk around the wetlands. Mr. Dameron from DHIC clarified there was only a small area that was elevated, not the entire path. Mr. Burgo stated he felt there was not enough landscaping in the corner near Building B. Mr. Dameron stated they were in the process of engaging a landscape architect. Mr. Burgo asked if the dog park was fenced and is there a playground. Mr. Rolls stated the dog park was fenced and the playground was undetermined at this time.

Mr. Plocek questioned the shortage of the 33 parking spaces, so the garages needed to be removed or additional open parking needed to be added. Mr. Dameron asked if that issue could be addressed with the Town Engineer. Mr. Plocek stated they could probably make a recommendation to Council with the stipulation the parking is corrected. Mr. Plocek asked for additional paths for trail access. Mr. Plocek stated only 4 dumpsters were shown. Mr. Lyons stated the original approved plans had 3, so there was actually an additional dumpster shown. Mr. Lyons clarified, after discussions with the Town Solicitor, dumpsters are not an amenity, they are a service, and the Town cannot dictate services.

Ms. Botchie stated she did not believe the garages fit in with the MBTS design standards or the community. She felt the garages should go behind a building, not in front, and they take away from the view for first-floor residents.

Mr. Plocek opened the meeting for public comment. Ms. Scheck, a resident of MBTS, agreed with Ms. Botchie regarding the esthetics of the garages. She asked if the garages were only for people living across from them or are they open to available to rent by all residents. Mr. Rolls stated they spread them out evenly to give equal opportunity to proximity. He stated with the removal of buildings and the opening up of open space by relocating the dog park, they opened the view of the pond. He stated there was going to be a dog wash station and electric vehicle charging stations. He stated the revenue stream from the garages would offset the cost of some of these other costs. Ms. Scheck asked if the garages could be relocated between the buildings. The answer was no due to fire lane requirements. Mr. Rolls stated the garages also have storage units on the rear side. Mr. Burgo asked for landscaping along the rear of the garages. Ms. Botchie questioned how the garages could be considered an amenity if only 33 out of 216 units could rent them. Mr. Rolls stated they did not feel that everyone would want to rent a garage, but there would be some that would want the protection from the weather. Ms. Botchie stated they would still have to cross the parking lot to enter the building. Mr. Burgo asked if there

was sales data for the percentage of renters wanting a garage. Mr. Rolls stated they have not done a market analysis, but usually they look at 15%. This site has less due to size constraints.

Mr. Plocek proposed the motion to vote to move the plan forward to Town Council with the following recommendations: 33 additional parking spaces be made available, consideration of the removal of the garages, additional playground equipment and other amenities along the trail system, and additional landscaping along Rt. 17 and the garage area. Mr. Plocek asked for the motion with those stipulations. Mr. Gevinson made the motion, Mr. Burgo seconded the motion. The motion carried unanimously 3-0-2 with Mr. Roe and Ms. Scheck abstaining.

4. Citizens' Privilege- none; however, Mr. Plocek made note of a letter from resident Sally Griffin was included in the packets.
5. Announcement of next meeting: scheduled March 10, 2022
6. Adjournment

Mr. Gevinson made a motion to adjourn at 7:58 pm. Mr. Roe seconded the motion. The motion carried unanimously 5-0.

Respectfully submitted,

Jennifer Ireland
Administrative Assistant